

### **REMARKS**

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of August 29, 2005.

Reconsideration of the Application is requested.

### **The Office Action**

**Claims 1, 2, 5, 7, 16, and 21-31** are in the application.

**Claims 1, 2, 5-7, and 21-24** stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

**Claims 1, 2, 5-7, and 21-24** stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

**Claims 1, 2, 6, 7, 16, and 21-23** stand rejected under 35 U.S.C. §102(e) as being anticipated by Wagner (U.S. Patent No. 6,670,599).

**Claims 1, 2, 5-7, 16, and 21-23**, stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wagner (U.S. Patent No. 6,670,599) in view of Sugawara (U.S. Patent No. 4,122,479).

**Claims 1, 2, 5-7, 16, and 21-23** stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wagner (U.S. Patent No. 6,670,599) in view of Sugawara (U.S. Patent No. 4,122,479) and further in view of Heyke (U.S. Patent No. 4,181,901).

**Claim 24** does not seem to be examined on the merits and is deemed to be allowable.

**Claims 25-31** are allowed.

### **The Non Art Rejections**

The rejection of **claims 1, 2, 5, 7, and 21-24** under 35 U.S.C. §112, first paragraph, has been alleviated by appropriate amendments. It is respectfully requested that this ground of rejection of claims 1, 2, 5, 7, and 21-24 be withdrawn.

The rejection of **claims 1, 2, 5, 7, and 21-24** under 35 U.S.C. §112, second paragraph, has been alleviated by appropriate amendments. It is respectfully requested that this ground of rejection of claims 1, 2, 5, 7, and 21-24 be withdrawn.

**Claims 1, 2, 5, 7, 16, and 21-23 Distinguish over the Cited References**

**Claim 1** calls for among other elements: an absorption layer deposited on top of the second transparent-conductive electrode layer to prevent visible light from reaching the active sensor element. Wagner at best describes a passivation layer which is disposed on the top of the second electrode layer which does not absorb visible light. Therefore, it is respectfully submitted that **claim 1 and dependent claims 2, 5, 7, 16, and 21-23** distinguish patentably and unobviously over Wagner.

**Claim 24 Distinguishes over the References**

**Claim 24** calls for among other elements: a first anti-reflection layer deposited on top of the second transparent-conductive layer and an absorption layer deposited on top of the first anti-reflection layer. Wagner does not disclose or suggest an anti-reflection layer deposited on top of the second transparent conductive layer and an absorption layer deposited on top of the anti-reflection layer. Therefore it is respectfully submitted that **claim 24** distinguishes patentably and unobviously over Wagner.

**New Claims 32 and 33**

New **claims 32 and 33** have been added to alternatively claim various aspects of the applicants' concept.

**CONCLUSION**

For the reasons detailed above, it is submitted all claims remaining in the application **(Claims 1, 2, 5, 7, 16 and 21-33)** are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

No additional fee is believed to be required for this Amendment BB. However, the undersigned attorney of record hereby authorizes the charging of any necessary fees, other than the issue fee, to Xerox Deposit Account No. 24-0037.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Marina Zalevsky, at Telephone Number (216) 861-5582.

Respectfully submitted,

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Date

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